

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KORY T. O'BRIEN.

No. 1:20-cv-01553-NONE-BAM (PC)

Plaintiff.

V.

OGLETTREE, *et al.*,

Defendants.

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS AND
DEFENDANTS**

(Doc. No. 11)

Plaintiff Kory T. O'Brien is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 15, 2021, the assigned magistrate judge screened plaintiff's first amended complaint and issued findings and recommendations that this action proceed on plaintiff's first amended complaint for retaliation in violation of the First Amendment against defendants Ogletree and Costa. (Doc. No. 11.) The magistrate judge further recommended that all other claims and defendants, including the request for injunctive relief, be dismissed from this action based on plaintiff's failure to state claims upon which relief may be granted. (*Id.*) The findings and recommendations were served on plaintiff and contained notice that any objections were to be filed within fourteen (14) days after service. (*Id.* at 8–9.) No objections have been filed, and the deadline to do so has expired.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
2 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
3 and recommendations to be supported by the record and by proper analysis.

4 Accordingly,

5 1. The findings and recommendations issued on March 15, 2021, (Doc. No. 11), are
6 adopted in full;

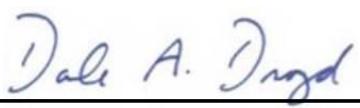
7 2. This action shall proceed on plaintiff's first amended complaint, filed February 5,
8 2021, (Doc. No. 9), against defendants Ogletree and Costa for retaliation in violation
9 of the First Amendment;

10 3. All other claims and defendants, including the request for injunctive relief, are
11 dismissed from this action for failure to state claims upon which relief may be granted;
12 and

13 4. This action is referred back to the magistrate judge for proceedings consistent with this
14 order.

15 IT IS SO ORDERED.

16 Dated: May 6, 2021



UNITED STATES DISTRICT JUDGE